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07 JUL 2005

10/523268

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Applicants: John L. Schenk, George E. Seidel, Tae Kwang Suh
Application Number: 10/523,268
Filed: January 31, 2005
Title: Low Pressure Sperm Cell Separation System
TC/A.U:
Examiner:

International Application No: PCT/US2003/024460, Filed 01 August 2003
Original US Application: 60/400,971, Filed 01 August 2002

Assignee: XY, Inc. and COLORADO STATE UNIVERSITY through its agent
Colorado State University Research Foundation
Attorney Docket: XY-LowPressure-USNP
Customer No. 33549

DECLARATION FOR PATENT APPLICATION

This Declaration is made by John L. Schenk, George E. Seidel, Tae Kwang Suh.

I, John L. Schenk, hereby declare:

1 - w I am a citizen of the US and that my residence and mailing address is 1906
Constitution Avenue, Fort Collins, CO 80526, US. CO

I, George E. Seidel, hereby declare:

2 - w I am a citizen of the US and that my residence and mailing address is 3101
Arrowhead Road, LaPorte, CO 80535, US. CO

I, Tae Kwang Suh, hereby declare:

3 - w I am a citizen of KR and that my residence and mailing address is 3344 Golden
Currant Blvd., Fort Collins, CO 80521, US. CO

We, John L. Schenk, George E. Seidel, Tae Kwang Suh, each hereby declare, we are the original, first, and joint inventors of the subject matter which is claimed, described and for which a patent is sought on the invention now entitled "Low Pressure Sperm Cell Separation System" the specification

of which has been provided to us at or prior to the time of signing this declaration. We have reviewed and understand the contents of this specification as above entitled, including any claims and preliminary amendments.

We also believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought in:

- International Application Number PCT/US2003/024460, filed August 1, 2003, entitled "Low Pressure Sperm Cell Separation System"; and
- United States Provisional Application Number 60/400,971, filed August 1, 2002, entitled "Low Pressure Sperm Separation System Using Heterospermic Insemination To Assess Sperm Function".

We hereby claim the benefit under Title 35, United States Code §119 of US Provisional Application 60/400,971, filed August 1, 2002; there are no foreign applications having a filing date before that of the application on which priority is claimed.

We hereby claim the benefit under Title 35, United States Code §365 of PCT International Application Number PCT/US2003/024460, filed August 1, 2003. To the extent applicable, we have identified in the request of this application, in compliance with PCT Rule 4.10, any claim to foreign priority and we have identified above by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

We hereby declare that the specification and disclosure herein submitted are intended to include disclosure or claims directed to, individually or in combination: embodiments of the invention which may encompass a device, apparatus, method, process, or business method; embodiments of the invention which may encompass permutations or combinations of any aspects of the invention; any aspect of the invention conceived or developed as separate inventions; and any aspect of the invention independent of any initial context considered as preferred embodiments. We also authorize and support this application for patent protection in the United States, and for similar protection in foreign countries, each to be sought to the extent or breadth any owner desires or deems appropriate. We acknowledge that each of the attorneys and the firm filing this application is/are attorneys for the assignees, XY, Inc. and COLORADO STATE UNIVERSITY through its agent Colorado State University Research Foundation, only.

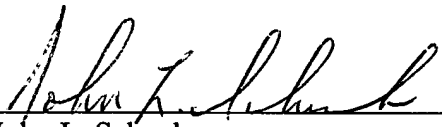
We acknowledge the duty to disclose information which is material to the examination of any US application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any US application or any US patent issued thereon.

We hereby grant the firm of Santangelo Law Offices, P.C., the power to insert on this Declaration or any other document any further identification which may be necessary or desirable in order to indicate filing information or to comply with the rules of the United States Patent Office or any foreign patent office for recordation of this document, including, but not limited to, inserting the application number, the execution date, mailing information, or the filing date of any application based upon the Invention.

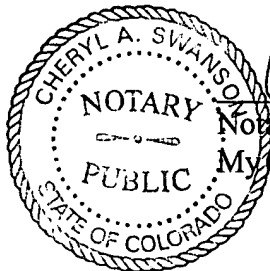
Date: 31 Jan 05

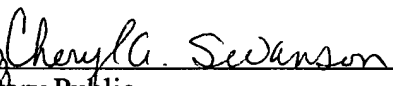

John L. Schenk

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by John L. Schenk, this 31st day of January, 2005.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.




Cheryl A. Swanson
Notary Public
My Commission Expires: 8/21/2007

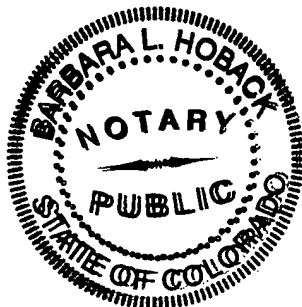
Date: 6 July, 2005

George E. Seidel
George E. Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado,
United States of America, by George E. Seidel, this 6th day of July, 2005.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public
by the State of Colorado.



Barbara L. Hoback
Notary Public
My Commission Expires: 2.19.2006

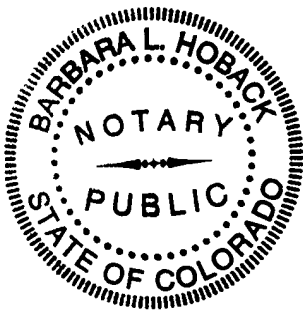
Date: 7-6-05

Tae Kwang Suh
Tae Kwang Suh

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado,
United States of America, by Tae Kwang Suh, this 6th day of July, 2005.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public
by the State of Colorado.



Barbara L. Hoback
Notary Public
My Commission Expires: 2.19.2006